IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TRAVIS SMELTZ, : No. 3:23cv636

Plaintiff

(Judge Munley)

v. :

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ALEJANDRO N. MAYORKAS, : SECRETARY, DEPARTMENT OF : HOMELAND SECURITY; and :

SECRETARY OF THE

TRANSPORTATION SECURITY ADMINISTRATION,

Defendants

ORDER

AND NOW, this _____ day of September 2024, for the reasons set forth in an accompanying memorandum, it is hereby **ORDERED** that:

- 1) Defendants' motion to dismiss (Doc. 17) is GRANTED;
- Plaintiff's disparate treatment claim asserted in Count Two of the amended complaint pursuant to Title VII of the Civil Rights Act of 1964 is **DISMISSED** with prejudice;
- 3) Plaintiff's claims for violation of 42 U.S.C. § 1983 in Count Three of the amended complaint are **DISMISSED** with prejudice;
- 4) Regarding the other causes of action raised in the amended complaint, plaintiff is granted leave to file a second amended complaint within

twenty-one (21) days consistent with the court's rulings in the memorandum; and

5) If plaintiff fails to file a second amended complaint within twenty-one (21) days, the court will dismiss plaintiff's remaining claims in accordance with the memorandum and direct the Clerk of Court to close this case.

BY THE COURT:

JUDGE JULIA K. MUNLEY
United States District Court